

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59878 of 2021

Arising Out of PS. Case No.-238 Year-2021 Thana- SIKARPUR District- West Champaran

Prabhu Sah S/O Late Jang Bahadur Sah R/O Village-Maladi, P.S-Shikarpur,
District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 10-05-2022 Heard learned counsel for the parties.

The petitioner is in judicial custody in connection with Shikarpur P.S. Case No.238 of 2021 instituted under Sections 366/366A of the Indian Penal Code and subsequently Section 8 of the POCSO Act was also added.

The prosecution story as emanates from the FIR, is that the informant gave a written report to the police station stating that the victim girl has been enticed by Biru Sah and other accused persons including the petitioner herein and he suspects that some untoward incident may take place. He further alleged that when he tried to inquire from their house, he was beaten. As such he lodged this FIR.

The case diary was called for in this case on 15.04.2022 and the same has been received and perused by learned APP.



Learned counsel for the petitioner submits that merely on suspicion, the informant dragged the petitioner and other accused persons in this case. He further submits that the victim girl was recovered and she made a statement under Section 164 of the Cr.P.C. wherein she stated that she had gone to *Chennai* on her own and the accused persons including the petitioner herein had nothing to do with her visit to that place. The counsel for the petitioner further submits that he is in jail since 10.08.2021 (as stated in para-12 of the bail application).

The learned APP, who appears for the State, after going through the statement of the victim girl under Section 164 of the Cr.P.C. has accepted the fact that the victim girl has stated that she had gone *Chennai* on her own and was not abducted by the accused persons as has been alleged in the FIR.

Taking into account the aforesaid facts including that the the petitioner is in custody since 10.08.2021 and the victim girl herself has not supported the prosecution story, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each in connection with Shikarpur P.S. Case No.238 of 2021 to the satisfaction of learned 7th Additional District &



Sessions Judge, POCSO, Bettiah, West Champaran, subject to following conditions:

(i) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(ii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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